



# House of Representatives

General Assembly

**File No. 500**

January Session, 2001

Substitute House Bill No. 5885

*House of Representatives, April 26, 2001*

The Committee on Public Health reported through REP. EBERLE of the 15th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING PATIENT ACCESS TO PHYSICAL THERAPY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (2) of section 20-66 of the general statutes is  
2 repealed and the following is substituted in lieu thereof:

3 (2) "Physical therapy" means the evaluation and treatment of any  
4 person by the employment of the effective properties of physical  
5 measures, the performance of tests and measurements as an aid to  
6 evaluation of function and the use of therapeutic exercises and  
7 rehabilitative procedures, with or without assistive devices, for the  
8 purpose of preventing, correcting or alleviating a physical or mental  
9 disability. [Physical therapy] "Physical therapy" includes the  
10 establishment and modification of physical therapy programs,  
11 treatment planning, instruction, peer review and consultative services,  
12 [The term "physical therapy"] but does not include surgery, the  
13 prescription of drugs, the medical diagnosis of disease, the use of  
14 cauterization or the use of Roentgen rays or radium for diagnostic or

15 therapeutic purposes.

16 Sec. 2. Subdivision (2) of section 20-66 of the general statutes, as  
17 amended by section 15 of public act 00-226, is repealed and the  
18 following is substituted in lieu thereof:

19 (2) "Physical therapy" means the evaluation and treatment of any  
20 person by the employment of the effective properties of physical  
21 measures, the performance of tests and measurements as an aid to  
22 evaluation of function and the use of therapeutic exercises and  
23 rehabilitative procedures, with or without assistive devices, for the  
24 purpose of preventing, correcting or alleviating a physical or mental  
25 disability. "Physical therapy" includes the establishment and  
26 modification of physical therapy programs, treatment planning,  
27 instruction, peer review and consultative services, but does not include  
28 surgery, the prescription of drugs, the medical diagnosis of disease, the  
29 use of cauterization or the use of Roentgen rays or radium for  
30 diagnostic or therapeutic purposes.

31 Sec. 3. Section 20-73 of the general statutes is repealed and the  
32 following is substituted in lieu thereof:

33 (a) No person may practice as a physical therapist unless licensed  
34 pursuant to this chapter. No person may use the term "Registered  
35 Physical Therapist", "Licensed Physical Therapist" or "Physical  
36 Therapist" or the letters "R.P.T.", "L.P.T." or any other letters, words or  
37 insignia indicating or implying licensure as a physical therapist in this  
38 state unless the person is so licensed. The treatment of human ailments  
39 by physical therapy shall only be performed by a person licensed  
40 under the provisions of this chapter as a physical therapist. Such  
41 treatment may be performed by a licensed physical therapist without a  
42 referral for a period not to exceed thirty days, provided (1) any  
43 licensed physical therapist providing such treatment without a referral  
44 shall have practiced physical therapy for three years or more, and (2)  
45 such physical therapist shall refer the individual receiving such

46 treatment to an appropriate health care practitioner if symptoms are  
47 present for which treatment is outside the physical therapist's scope of  
48 practice. After such thirty-day period, or in the case of a licensed  
49 physical therapist who has practiced physical therapy for less than  
50 three years, or in the case of such symptoms outside the physical  
51 therapist's scope of practice, such treatment shall only be performed  
52 upon the oral or written referral of a person licensed in this state or in  
53 a bordering state having licensing requirements meeting the approval  
54 of the appropriate examining board in this state to practice medicine  
55 and surgery, podiatry, natureopathy, chiropractic or dentistry, or an  
56 advanced practice registered nurse licensed to prescribe in accordance  
57 with section 20-94a or a physician assistant licensed to prescribe in  
58 accordance with section 20-12d. Any person who violates the  
59 provisions of this section or who obtains or attempts to obtain  
60 licensure as a physical therapist by any wilful misrepresentation or any  
61 fraudulent representation shall be fined not more than five hundred  
62 dollars or imprisoned not more than five years, or both. A physical  
63 therapist or dentist who violates the provisions of this section shall be  
64 subject to licensure revocation in the same manner as is provided  
65 under section 19a-17, or in the case of a healing arts practitioner,  
66 section 20-45. For purposes of this section each instance of patient  
67 contact or consultation in violation of any provision of this section  
68 shall constitute a separate offense. Failure to renew a license in a  
69 timely manner shall not constitute a violation for the purposes of this  
70 section.

71 (b) Each physical therapy assistant who is assisting in the practice of  
72 physical therapy under the supervision of a licensed physical therapist,  
73 as defined in section 20-66, shall, upon payment of an application fee  
74 of twenty-five dollars, register with the Department of Public Health  
75 on a form furnished by the department, giving [his] the physical  
76 therapy assistant's name in full, [his] the physical therapy assistant's  
77 residence and business addresses and such other information as the  
78 department requests. Each physical therapy assistant shall notify the

79 department in writing within thirty days of any change in [his] the  
80 physical therapy assistant's name or residence or business addresses. A  
81 physical therapy assistant shall not practice physical therapy assisting  
82 without registering with the department pursuant to this section. The  
83 commissioner may, upon receipt of notification and investigation,  
84 assess a civil penalty of not more than one hundred dollars against any  
85 physical therapy assistant who has practiced physical therapy assisting  
86 without first registering with [said] the department.

87 Sec. 4. Section 20-73 of the general statutes, as amended by section  
88 15 of public act 00-226, is repealed and the following is substituted in  
89 lieu thereof:

90 (a) (1) No person may practice as a physical therapist unless  
91 licensed pursuant to this chapter. No person may use the term  
92 "Registered Physical Therapist", "Licensed Physical Therapist" or  
93 "Physical Therapist" or the letters "R.P.T.", "L.P.T." or any other letters,  
94 words or insignia indicating or implying licensure as a physical  
95 therapist in this state unless the person is so licensed.

96 (2) No person may practice as a physical therapist assistant unless  
97 such person is licensed pursuant to this chapter and is under the  
98 supervision of a physical therapist licensed pursuant to this chapter.  
99 No person may use the term "Registered Physical Therapist Assistant",  
100 "Licensed Physical Therapist Assistant" or "Physical Therapist  
101 Assistant", or the letters "P.T.A." to represent or imply the term  
102 "Physical Therapist Assistant", or any other letters, words or insignia  
103 indicating or implying licensure as a physical therapist assistant in this  
104 state unless the person is so licensed.

105 (b) The treatment of human ailments by physical therapy shall only  
106 be performed by a person licensed under the provisions of this chapter  
107 as a physical therapist or physical therapist assistant. Such treatment  
108 may be performed by a licensed physical therapist without a referral  
109 for a period not to exceed thirty days, provided (1) any licensed

110 physical therapist providing such treatment without a referral shall  
111 have practiced physical therapy for three years or more, and (2) such  
112 physical therapist shall refer the individual receiving such treatment to  
113 an appropriate health care practitioner if symptoms are present for  
114 which treatment is outside the physical therapist's scope of practice.  
115 After such thirty-day period, or in the case of a licensed physical  
116 therapist who has practiced physical therapy for less than three years,  
117 or in the case of such symptoms outside the physical therapist's scope  
118 of practice, such treatment shall only be performed upon the oral or  
119 written referral of a person licensed in this state, or in a bordering state  
120 having licensing requirements meeting the approval of the appropriate  
121 examining board in this state, to practice medicine and surgery,  
122 podiatry, natureopathy, chiropractic or dentistry, or an advanced  
123 practice registered nurse licensed to prescribe in accordance with  
124 section 20-94a or a physician assistant licensed to prescribe in  
125 accordance with section 20-12d.

126 (c) Any person who violates the provisions of this section or who  
127 obtains or attempts to obtain licensure as a physical therapist or  
128 physical therapist assistant by any wilful misrepresentation or any  
129 fraudulent representation shall be fined not more than five hundred  
130 dollars or imprisoned not more than five years, or both. A physical  
131 therapist, physical therapist assistant or dentist who violates the  
132 provisions of this section shall be subject to licensure revocation in the  
133 same manner as is provided under section 19a-17, or in the case of a  
134 healing arts practitioner, section 20-45. For purposes of this section  
135 each instance of patient contact or consultation in violation of any  
136 provision of this section shall constitute a separate offense. Failure to  
137 renew a license in a timely manner shall not constitute a violation for  
138 the purposes of this section.

139 Sec. 5. This act shall take effect October 1, 2001, except that sections  
140 2 and 4 shall take effect the later of October 1, 2001, or the date notice is  
141 published by the Commissioner of Public Health in the Connecticut

142 Law Journal indicating that the licensing of athletic trainers and  
143 physical therapist assistants is being implemented by the  
144 commissioner.

**PH**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Potential Indeterminate Cost

**Affected Agencies:** Departments of Public Health, Social Services;  
Office of the State Comptroller

**Municipal Impact:** None

**Explanation****State Impact:**

While the bill permits physical therapy treatment by experienced therapists for up to thirty days without physician referral, state employee health plans explicitly require either pre-authorization or a referral for physical therapy. Therefore, no fiscal impact to the state as an employer will result from passage of this bill.

The Medicaid program may experience an increase in utilization of physical therapy services, which would increase claims costs under its fee-for-service program. Any resulting increase in costs to the Department of Social Services cannot be determined at this time.

Provisions in this bill will not materially alter the regulatory responsibilities of the Department of Public Health, and will result in no fiscal impact for the agency.

**Municipal Impact:**

While the bill allows for physical therapy treatment by experienced therapists for up to thirty days without physician referral, it is assumed that the majority of municipal employee health plans currently explicitly require physician referral and/or prior authorization of these services, or would seek to impose these restrictions upon passage of this bill. Therefore, it is anticipated that no appreciable cost will result from its passage.



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**OLR BILL ANALYSIS**

sHB 5885

**AN ACT CONCERNING PATIENT ACCESS TO PHYSICAL THERAPY.****SUMMARY:**

This bill allows a physical therapist to treat patients for up to 30 days without a referral from a physician or other healing arts practitioner if (1) he has practiced physical therapy for at least three years and (2) he refers to the appropriate practitioner any patient who presents symptoms that are outside his scope of practice. Under the bill, a physical therapist with more than three years of experience cannot treat a patient for more than 30 days without a referral from a physician, naturopath, podiatrist, chiropractor, dentist, advance practice registered nurse, or physician assistant, and no physical therapist with less experience can treat any patient without a referral.

By law, any physical therapist violating these conditions is subject to a fine of up to \$500, five years in prison, or both for each patient contact or consultation and to license revocation.

The bill specifically excludes diagnosing diseases, prescribing drugs, and performing surgery from physical therapists' scope of practice.

EFFECTIVE DATE: October 1, 2001

**BACKGROUND*****Physical Therapist Scope of Practice***

Physical therapists provide services to help restore function, improve mobility, relieve pain, and prevent or limit permanent physical disabilities of patients suffering from injuries or disease. They restore, maintain, and promote overall fitness and health. They examine patients' medical histories and test and measure their strength, range

of motion, balance and coordination, posture, muscle performance, respiration, and motor function. They develop treatment plans describing a treatment strategy, purpose, and anticipated outcome. Treatments include exercise, electrical stimulation, hot and cold packs, ultrasound, deep massage, and traction. Therapists also teach patients to use assistive devices such as crutches, prostheses, and wheelchairs.

***Effective Date***

PA 00-226 established licensing programs for athletic trainers and physical therapist assistants. These were to take effect on October 1, 2000 or when the public health commissioner published notice that he was implementing the programs, whichever occurred later. The commissioner has not yet published this notice. The bill's separate effective dates for sections 2 and 4, which deal with DPH's regulation of various professions, address this future contingency.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 15      Nay 10